

## NOTICE OF EMERGENCY RULE REPEAL AND PROMULGATION

AGENCY: Department of Marine Resources

STATUTORY AUTHORITY: 12 M.R.S.A. §§ 6172 and 6192

**RULE REPEAL AND PROMULGATION:** DMR Regulation 95.03 A, Closed Area No. 11, Scarborough River, promulgated on October 6, 2004, is repealed and replaced with the following rule:

**TEXT OF RULE:** DMR Regulation 95.03 A, Closed Area No. 11, Scarborough River

1. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats and waters of the Scarborough River upstream of a line at the old Eastern Railroad Line footbridge.
2. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats and waters of the Mill Brook upstream of a line that begins at the east end of the footbridge by the old Eastern Railroad Line and runs east-southeast to the B&M Railroad line by the northeast corner of the Demis Conservation Zone.
3. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats and waters of the Nonesuch River upstream of a line crossing the river at the end of Woodside Drive.
4. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats and waters of the Libby River upstream of a line crossing the river about 1000 feet south of Black Point Road.
5. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats and waters of the Jones Creek and Doc's Creek area of the Scarborough River southwest of a line beginning at a red post located near the southern end of the B & M Railroad bridge by telephone pole #62 (SPP30); then extending south to a red painted post on the south side of the mouth of Doc's Creek; then continuing west to a red painted post on the southwest side of the confluence of Jones Creek and Doc's Creek; and then continuing to Route 9.

Violation of any provision of this regulation shall be a Class D Crime (12 M.R.S.A. Section 6204). Shellfish harvesting in this area may be subject to a municipal ordinance.

EFFECTIVE DATE: October 13, 2004

AGENCY CONTACT PERSON: Amy M. Fitzpatrick  
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Portland Press Herald  
October 16, 2004

### STATEMENT OF FACT AND POLICY

The Commissioner of the Maine Department of Marine Resources repeals the emergency DMR Regulation 95.03 A, Closed Area No. 11, Scarborough River, promulgated on October 6, 2004, and enacts a new regulation. This new regulation reopens the middle section of the Scarborough River to shellfish harvesting following a sewage spill near the footbridge.

DMR personnel have determined that the remaining closed areas are subject to microbiological contamination, which poses a threat to public health.

  
LEWIS FLAGG  
DEPUTY COMMISSIONER (EXTERNAL AFFAIRS)





# Department of Marine Resources

Legal Notice of Shellfish Closure Area

C 11 Scarborough River

10/13/04

